THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.20494 OF 2005

Between:

Mohd. Mahboob Hussain …Petitioner

And

The Depot Manager, APSRTC, Hyderabad …Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.20494 OF 2005

O R D E R:

The petitioner was initially appointed as a Conductor in the A.P.S.R.T.C. Subsequently, he was promoted as Depot Clerk. He retired from service on 31-05-2005. His grievance is that though he has put in 33 years of service, he was paid gratuity only for 23 years and he challenges the action of the respondent in this regard.

Heard the learned counsel for the petitioner and the learned Standing Counsel for

the respondent.

The petitioner joined as Conductor in the year 1972 and retired from service in the year 2005. The basis for the respondent in denying the gratuity for a period of ten years is that the petitioner was out of service for a period of ten years, commencing from 04-12-1976 when the bus conducted by him was checked. It is a matter of record that though the petitioner was removed from service on the basis of a check conducted on 04-12-1976, he came to be reinstated pursuant to an award dated 30-05-1984 passed by the Additional Labour Court, A.P., Hyderabad in I.D.No.307 of 1980. In its award, the Labour Court directed reinstatement of the petitioner with continuity of service and all other attendant benefits. It, however, denied the back wages.

The award passed by the Labour Court became final and with that there was no break in the service of the petitioner. In that view of the matter, the petitioner is entitled to be paid the gratuity for the entire period of service of 33 years. Therefore, the action of the respondent in denying the gratuity for ten years cannot be sustained.

The writ petition is accordingly allowed and the respondent is directed to pay the gratuity for the entire period of service from 1972 to 2005, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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(L.Narasimha Reddy,J)

29th September, 2005

Note: Issue C.C in three days

(b/o)

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